APPENDIX A — EXCERPTS FROM APRIL 30, 1997, HEARING TRANSCRIPT

IN THE SUPERIOR COURT OF MONROE COUNTY STATE OF GEORGIA

CIVIL ACTION
FILE NO.:
97-CV-150

TYRE E. CHAPMAN, et al.,

Plaintiffs,

v.

EBON FOUNDATION, INC., d/b/a EBON INTERNATIONAL PREPARATORY ACADEMY, a foreign corporation, and FLORENCE HICKS ALEXANDER as Director of Ebon Foundation, Inc., And Individually,

Defendants,

v.

JOYCE OATMAN, as Director of Ebon Foundation, Inc.,

Intervenor.

TRANSCRIPT OF PROCEEDINGS HEARD
ON APRIL 30, 1997, BEFORE
HONORABLE ARCH MCGARITY, JUDGE,
FLINT JUDICIAL CIRCUIT, PRESIDING
IN MONROE SUPERIOR COURT

Appendix A

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"THE COURT: Okay. That deals with that one.

We had also, I believe, as part of today's action when we had our conference in chambers, it was stated that part of the challenge to the granting of the injunction, as well as the motion to dissolve that and/or modify it, would be a challenge to Ms. Oatman's intervention in this case, her standing to maintain part or as an individual in this case, as a director of Ebon Foundation, Inc., I believe is how is it styled.

Mr. Bridges, you expressed some concern about going forward on the standing issue today; is that correct?

MR. BRIDGES: Yes, your Honor.

THE COURT: Okay, why don't you state your objection on the record.

MR. BRIDGES: At this time, if the Court will allow us just a bit of latitude, I believe I will be able to go forward. There is a document that I am waiting to receive from Macon right now. Mr. Oatman left about 30 minutes ago to pick it up, so he should be here with it shortly. Otherwise, with that caveat, we are prepared to go forward.

THE COURT: If I heard you correctly, that when Mr. Oatman gets here with this document, you will no longer have an objection to proceeding on the standing issue?

MR. BRIDGES: That's right.

Appendix A

THE COURT: We will go ahead and get into the motion that Mr. Wangerin has made and listen to the argument, and hopefully, Mr. Oatman will be here by the time they finish. If not, we will postpone hearing from you on the standing issue until such time as he arrives. I think we have enough time today to do that.

MR. BRIDGES: Thank you, your Honor.

THE COURT: Now, why don't we proceed? Are you ready to proceed on your motion?

MR. WANGERIN: Yes, your Honor . . ."

* * *

MR. BRIDGES: Ms. Oatman, I will show you what we have marked as Plaintiff's Exhibit 1.

MS. OATMAN: Yes.

MR. BRIDGES: Will you identify that, please?

MS. OATMAN: This was a Fed Ex that I asked for and had received the next day. I told my sister that I had not received a letter of resignation. I asked her to send me another. And she sent one. She sent it the very next day.

MR. BRIDGES: Is that the Fed Ex that she said she was sending to you, as far as you know?

MS. OATMAN: Yes, as far as I know.

MR. BRIDGES: What day did you receive that Fed Ex?

MS. OATMAN: I asked for it Wednesday. Thursday or Friday, it was to my house. When I returned from Georgia, it was there.

MR. BRIDGES: So, you got it Saturday?

MS. OATMAN: Yes, when I returned, it was there.

MR. BRIDGES: When you asked her for the documents, you weren't asking her to resign, were you?

MS. OATMAN: She asked me had I received the letter of resignation that I had to sign and send back to her. I told her, no, I had not received it. She said, well, I will send you another. I will Fed Ex you another one the very next day. And I am assuming she did, but by the time that she said that she going to Fed Ex it, I was on my way to Georgia.

When I got back from Georgia, it was there. This is the package that it came in.

MR. BRIDGES: That is the package that it came in?

MS. OATMAN: Yes.

MR. BRIDGES: And you got it Saturday

MS. OATMAN: Yes, when I returned.

MR. BRIDGES: That would have been April 26th?

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